

ENTERED

August 04, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LAWRENCE CRUZ,

Plaintiff,

VS.

ARANSAS PASS POLICE, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:22-CV-00103

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DISMISS CASE**


On July 7, 2022, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation to Dismiss Case” (M&R, D.E. 12). The Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. To be considered as an objection to the M&R, an issue must point out with particularity an error in the Magistrate Judge’s analysis. Fed. R. Civ. P. 72(b)(2); *Malacara v. Garber*, 353 F.3d 393, 405 (5th Cir. 2003); *Edmond v. Collins*, 8 F.3d 290, 293 n.7 (5th Cir. 1993). Plaintiff did not file any document purporting to be objections within the time for doing so. While Plaintiff did file a number of letters with the Court, none of them can be construed as pointing out any error in the M&R. *See* D.E. 14, 17-20, 22-23. Thus, no objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the

magistrate judge's M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's M&R (D.E. 12), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, this case is **DISMISSED** with prejudice as frivolous and/or for failure to state a claim, and alternatively, Plaintiff's case is **DISMISSED** with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure because Plaintiff has failed to comply with the Magistrate Judge's May 18, 2022 Order pursuant to Federal Rule of Civil Procedure 41(b).

ORDERED on August 4, 2022.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE